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**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

VALERIE TORRES, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

1-800-GOT-JUNK? LLC,

Defendant.

Case No.

**CLASS ACTION COMPLAINT**

JURY TRIAL DEMANDED

1 Plaintiff Valerie Torres (“Plaintiff”) brings this action against Defendant 1-  
2 800-GOT-JUNK? LLC (“Defendant” or “Got-Junk”), individually and on behalf of  
3 all others similarly situated. Plaintiff makes the following allegations pursuant to the  
4 investigation of her counsel and based upon information and belief, except as to  
5 allegations specifically pertaining to herself and her counsel, which are based on  
6 personal knowledge.

7 **NATURE OF THE ACTION**

8 1. This is a class action suit brought against Defendant Got-Junk for  
9 surreptitiously monitoring and recording the telephonic communications between  
10 consumers and its customer service representatives without first providing notice or  
11 obtaining the customer’s consent.

12 2. Got-Junk is a waste management company that provides junk removal  
13 services to residential customers. Since its inception in 1989, Got-Junk has become  
14 one of the largest residential waste removal companies in California and throughout  
15 the United States.

16 3. As a junk removal company, Defendant provides support to customers  
17 over the phone and provides quotes and scheduling appointments for its junk  
18 removal services. Defendant monitors and records these interactions. What  
19 Defendant fails to do, however, is disclose this fact to customers who receive calls  
20 initiated by Defendant.

21 4. Because Defendant fails to disclose to consumers that it is recording  
22 telephonic communications at the outset of the call, Defendant violated and  
23 continues to violate the California Invasion of Privacy Act (“CIPA”), Cal. Penal  
24 Code §§ 632 and 632.7.

25 5. Both Penal Code §§ 632 and 632.7 play important roles in protecting  
26 the privacy of California residents. Secret monitoring and recording denies the  
27 customer an important aspect of privacy of communication – the right to control the  
28 nature and extent of the information they disclose.

1           6. Plaintiff brings this action on behalf of herself and a class of all persons  
2 whose telephonic communications were surreptitiously recorded by Defendant.

3                                   **PARTIES**

4           7. Plaintiff Valerie Torres is a California citizen and resident, residing in  
5 Los Angeles, California. Ms. Torres is domiciliary of California.

6           8. Defendant 1-800-GOT-JUNK? LLC is a Delaware limited liability  
7 corporation headquartered in Vancouver, Canada. Defendant's sole member is  
8 RBDS Rubbish Boys Disposal Service Inc., a Canadian corporation headquartered in  
9 Vancouver, Canada. Defendant Got Junk is a prominent junk removal company.

10                                  **JURISDICTION AND VENUE**

11           9. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §  
12 1332(d)(2)(A) because this case is a class action where the aggregate claims of all  
13 members of the proposed class are in excess of \$5,000,000.00, exclusive of interest  
14 and costs, and at least one member of the proposed class is citizen of state different  
15 from Defendant.

16           10. This Court has personal jurisdiction over Defendant because Defendant  
17 has purposefully availed itself of the laws and benefits of doing business in this  
18 State, and Plaintiff's claims arise out of each of the Defendant's forum-related  
19 activities. Furthermore, a substantial portion of the events giving rise to Plaintiff's  
20 claims occurred in this District.

21           11. Pursuant to 28 U.S.C. § 1391, this Court is the proper venue for this  
22 action because a substantial part of the events, omissions, and acts giving rise to the  
23 claims herein occurred in this District.

24                                  **FACTUAL ALLEGATIONS**

25           12. Got-Junk is a privately owned junk removal franchise that operates in  
26 the United States, Canada, and Australia. Got-Junk was founded in 1989 by Brian  
27 Scudamore: a high school drop-out student who saw an opportunity to pay for his  
28 college tuition by removing junk with a beatdown pickup truck which he initially

1 called “The Rubbish Boys.”<sup>1</sup> Today, Got-Junk is one of the leading junk removal  
2 companies in the United States with a yearly revenue of over \$400 million.<sup>2</sup>

3 13. As with any moving company, Defendant must field customer inquiries  
4 and provide support for any issues that may arise in connection to its services. To  
5 that end, Defendant supplies a catchy and easy-to-remember customer service  
6 number for consumers to call: 1-800-GOT-JUNK (*i.e.*, 1-800-468-5865). Defendant  
7 also utilizes other customer service numbers in subsequent calls with its customers  
8 depending on a customer’s location.

9 14. When Defendant calls customers using any of these numbers, the  
10 customer service agent does not disclose that the call is being recorded. As such,  
11 customers have a reasonable expectation of privacy regarding any information that  
12 they divulge on the call, including personally identifying information, the identity of  
13 the objects they seek to dispose, and the address where those items are located (all of  
14 which is highly sensitive in nature). Customers maintain this expectation of privacy  
15 because Defendant does not disclose that the call is being recorded and Defendant  
16 never obtains customer consent to do so.

17 15. Contrary to Plaintiff and class members’ belief, however, the  
18 conversations between customers and Defendant’s agents are being surreptitiously  
19 recorded, including through the use of software provided by Invoca, Inc (“Invoca”).

20 16. Defendant records and monitors customer calls through a software  
21 platform developed by Invoca, and potentially other platforms as well.

22  
23 <sup>1</sup> CNBC, *Founder of 1-800-GOT-JUNK? dropped out of college to haul junk — now, he’s eyeing a billion-dollar business* (Jan. 12, 2021),  
24 [https://www.cnbc.com/2020/08/01/how-the-1-800-got-junk-founder-became-a-](https://www.cnbc.com/2020/08/01/how-the-1-800-got-junk-founder-became-a-multimillionaire.html)  
25 [multimillionaire.html](https://www.cnbc.com/2020/08/01/how-the-1-800-got-junk-founder-became-a-multimillionaire.html)

26 <sup>2</sup> Franchise Chatter, *FDD Talk: 1-800-Got-Junk? Franchise Costs, Fees, Average*  
27 *Revenues and/or Profits (2022 Review)* (Nov, 27, 2022),  
28 [https://www.franchisechatter.com/2022/11/27/fdd-talk-1-800-got-junk-franchise-](https://www.franchisechatter.com/2022/11/27/fdd-talk-1-800-got-junk-franchise-costs-fees-average-revenues-and-or-profits-2022-review/)  
[costs-fees-average-revenues-and-or-profits-2022-review/](https://www.franchisechatter.com/2022/11/27/fdd-talk-1-800-got-junk-franchise-costs-fees-average-revenues-and-or-profits-2022-review/)

1           17. Invoca’s software comprises a suite of tools which are focused on  
2 optimizing marketing campaigns and audience management by allowing companies  
3 to monitor and analyze customer-agent phone interactions. Invoca’s software uses  
4 artificial intelligence technology to record and transcribe customers’ phone calls,  
5 which it then analyzes to gain insight about the customer’s purchasing journey. For  
6 example, Invoca enables companies to identify whether customer calls are being  
7 placed from numbers on their webpages or marketing campaigns. Invoca also  
8 provide analytics about these phone calls, including general issues derived from  
9 ubiquitous key words that it scans from call transcriptions. Invoca records the  
10 contents of these calls as they occur in real time.<sup>3</sup>

11           18. Defendant deliberately implemented the call recording and monitoring  
12 features of Invoca’s software in an effort to improve its marketing campaigns.

13           19. In an advertising brochure about Got-Junk’s incorporation of the Invoca  
14 software into its customer service protocol, Invoca writes:

15           “When a potential customer uses one of the call center numbers on the  
16 1-800-GOT-JUNK? website, an agent responds and manually records  
17 the call outcome in the company’s customer relationship management  
18 (CRM) platform. And, before Invoca, that’s where the information  
19 would have stayed. However, by using Google Click ID, Invoca was  
20 able to automatically stream that information, including specific details  
about the call outcome, back to Google Ads.”<sup>4</sup>

21           20. Defendant deliberately monitors and records customer phone calls and  
22

23  
24 <sup>3</sup> “Unlike other systems that only begin recording once the agent answers, Invoca  
25 begins recording as soon as the call connects — and stays on the call no matter  
26 where it’s transferred to — enabling you to capture the complete caller experience,  
every time.” <https://www.invoca.com/product/call-recordings-and-transcriptions>

27 <sup>4</sup> [https://assets-global.website-](https://assets-global.website-files.com/5dfbb65fcb94d5455876bad9/5f470ec01a4808358ec39317_Invoca-Case_Study-1-800-GOT-JUNK.pdf)  
28 [files.com/5dfbb65fcb94d5455876bad9/5f470ec01a4808358ec39317\\_Invoca-](https://assets-global.website-files.com/5dfbb65fcb94d5455876bad9/5f470ec01a4808358ec39317_Invoca-Case_Study-1-800-GOT-JUNK.pdf)  
Case\_Study-1-800-GOT-JUNK.pdf

1 shares them with third parties for marketing purposes, yet Defendant fails to provide  
2 notice to customers that this is occurring, nor does Defendant obtain customer  
3 consent to be recorded.

4 21. In or about April of 2022, Ms. Torres called one of Defendant's  
5 customer service numbers to inquire about Defendant's services and obtain a quote  
6 for removing some personal items, using her cell phone. After placing this call,  
7 Defendant's agents called Ms. Torres' cell phone on various occasions up until May  
8 of 2022 to follow up on her previous inquiry. The phone calls took place while Ms.  
9 Torres was physically present in California. During the calls Defendant placed to  
10 her, Ms. Torres was never told that the call was being recorded, and she never  
11 consented to those recordings.

12 22. Because Defendant did not disclose that its calls to Ms. Torres were  
13 being recorded, Ms. Torres reasonably expected that her communications with  
14 Defendant and its agents during the calls were not being recorded, and were  
15 therefore "confidential" as defined by California Penal Code § 632(c).

16 23. On information and belief, Defendant was, in fact, recording Ms.  
17 Torres's call and captured the entire contents of her communications with the live  
18 agents using Invoca's software.

19 24. Defendant's policy of monitoring and recording calls without informing  
20 customers is a uniform practice and occurs anytime a customer has a phone call with  
21 Defendant.

### 22 **CLASS ALLEGATIONS**

23 25. ***Class Definitions.*** Plaintiff Valerie Torres brings this action pursuant to  
24 Rule 23(a) of the Federal Rules of Civil Procedure on behalf of a class of similarly  
25 situated individuals, defined as follows (the "Section 632 Class"):

26 All individuals who, while physically present in  
27 California, participated in an inbound telephone call  
28 with Got-Junk or one of its agents.

1           26. Plaintiff also seeks to represent a class, defined as follows (the “Section  
2 632.7 Class”):

3                           All individuals who, while physically present in  
4 California and using a cellular telephone,  
5 participated in an inbound telephone call with Got-  
6 Junk or one of its agents.

7           27. Specifically excluded from the Classes are Defendant, Defendant’s  
8 officers, directors, agents, trustees, parents, children, corporations, trusts,  
9 representatives, employees, principals, servants, partners, joint ventures, or entities  
10 controlled by the Defendant, and its heirs, successors, assigns, or other persons or  
11 entities related to or affiliated with the Defendant and/or Defendant’s officers and/or  
12 directors, the judge assigned to this action, and any member of the judge’s immediate  
13 family.

14           28. **Numerosity.** Members of the Classes are so numerous that their  
15 individual joinder herein is impracticable. On information and belief, members of  
16 the Classes number in the thousands. The precise number of Class members and  
17 their identities are unknown to Plaintiff at this time but may be determined through  
18 discovery. Class members may be notified of the pendency of this action by mail  
19 and/or publication through the distribution records of Defendant.

20           29. **Commonality.** Common questions of law and fact exist as to all  
21 Class members and predominate over questions affecting only individual Class  
22 members. Common legal and factual questions include, but are not limited to:

23                   (a) Whether Defendant has a policy and practice of recording and/or  
24 monitoring telephone conversations with customers;

25                   (b) Whether Defendant notifies customers that it is recording them;

26                   (c) Whether Defendant obtains a customer’s consent to be recorded  
27 at the outset of the telephone call;

28                   (d) Whether Defendant instructed its agents to record and monitor

1 calls without disclosing to customers that they were doing so;

2 (e) Whether Defendant has violated the California Invasion of  
3 Privacy Act (“CIPA”), Cal. Penal Code § 632 and invaded Plaintiff and the Class’s  
4 privacy rights in violation of the California Constitution;

5 (f) Whether Defendant has violated the California Invasion of  
6 Privacy Act (“CIPA”), Cal. Penal Code § 632.7;

7 (g) Whether Plaintiff and the Classes are entitled to injunctive relief  
8 under Cal. Penal Code § 637.2(b) to enjoin or restrain Got-Junk from committing  
9 further violations of Cal. Penal Code §§ 632 and 632.7.

10 (h) Whether class members are entitled to actual and/or statutory  
11 damages for the aforementioned violations.

12 30. **Typicality.** The claims of the named Plaintiff are typical of the claims  
13 of the Class because the named Plaintiff, like all other class members, called Got-  
14 Junk’s customer service line using her cell phone and had her communications  
15 recorded without her consent.

16 31. **Adequacy.** Plaintiff is an adequate representative of the Class because  
17 her interests do not conflict with the interests of the Class members she seeks to  
18 represent, she has retained competent counsel experienced in prosecuting class  
19 actions, and she intends to prosecute this action vigorously. The interests of Class  
20 members will be fairly and adequately protected by Plaintiff and her counsel.

21 32. **Superiority.** The class mechanism is superior to other available means  
22 for the fair and efficient adjudication of the claims of Class members. Each  
23 individual Class member may lack the resources to undergo the burden and expense  
24 of individual prosecution of the complex and extensive litigation necessary to  
25 establish Defendant’s liability. Individualized litigation increases the delay and  
26 expense to all parties and multiplies the burden on the judicial system presented by  
27 the complex legal and factual issues of this case. Individualized litigation also  
28 presents the potential for inconsistent or contradictory judgments. In contrast, the

1 class action device presents far fewer management difficulties and provides the  
2 benefits of single adjudication, economy of scale, and comprehensive supervision by  
3 a single court on the issue of Defendant's liability. Class treatment of the liability  
4 issues will ensure that all claims and claimants are before this Court for consistent  
5 adjudication of the liability issues.

6 33. Plaintiff brings all claims in this action individually and on behalf of  
7 members of the Classes against Defendant.

8 **COUNT I**  
**Violation of Cal. Penal Code § 632**

9 34. Plaintiff repeats the allegations contained in the paragraphs above as if  
10 fully set forth herein.

11 35. Plaintiff brings this Count individually and on behalf of the members of  
12 the putative Section 632 Class.

13 36. California Penal code § 632(a) provides, in pertinent part:

14  
15 A person who, intentionally and without the consent of all  
16 parties to a confidential communication, uses [a] ... recording  
17 device to ... record the confidential communication, whether  
18 the communication is carried on among the parties in the  
19 presence of one another or by means of a telegraph, telephone,  
20 or other device, except a radio, shall be punished by a fine not  
21 exceeding two thousand five hundred dollars (\$2,500) per  
22 violation.

23 37. A defendant violates Section 632 unless it can show it had the consent  
24 of all parties to a communication prior to the moment the recording was made.

25 38. Defendant, using computer software, intentionally monitored and  
26 recorded the telephonic communications between itself and its agents on the one  
27 hand and Plaintiff and other members of the Classes on the other.

28 39. At no time did Defendant or any of its agents inform Plaintiff or the  
members of the Classes that the recording of their telephonic communications was  
taking place and at no time did Plaintiff or the members of the Classes consent to this

1 activity.

2 40. These communications were “confidential communications,” as that  
3 term is used in Section 632, because Plaintiff and class members had objectively  
4 reasonable expectations of privacy with respect to any personal or financial  
5 information they disclosed during the course of those communications.

6 41. Defendant has therefore violated Cal. Penal Code § 632(a) by  
7 intentionally recording Plaintiff and the members of the Classes’ telephonic  
8 communications without first notifying them or obtaining their consent.

9 42. Accordingly, Plaintiff and the members of the Classes have been injured  
10 by Defendant’s conduct and, pursuant to Cal. Penal Code § 632, each seek damages  
11 of \$5,000 per violation.

12 **COUNT II**  
**Violation of Cal. Penal Code § 632.7**

13 43. Plaintiff repeats the allegations contained in the paragraphs above as if  
14 fully set forth herein.

15 44. Plaintiff brings this Count individually and on behalf of the members of  
16 the putative Section 632.7 Class.

17 45. California Penal Code § 632.7(a) prohibits the same conduct as  
18 described in Section 632, but extends this prohibition to communications involving a  
19 cellular telephone.

20 46. Though similar, Cal. Penal Code § 632 and § 632.7 are not duplicative  
21 and protect separate rights.

22 47. Cal. Penal Code § 632.7 grants a wider range of protection to  
23 conversations where one participant uses a cellular phone or cordless phone because  
24 it does not have the “confidential communication” requirement of Cal. Penal Code §  
25 632.  
26  
27  
28

48. A defendant violates Section 632.7(a) unless it can show it had the consent of all parties to a communication prior to the moment the recording was made.

49. Defendant, using computer software, intentionally monitored and recorded the telephonic communications between Plaintiff, and the members of the Section 632.7 Class, and its agents.

50. At no time did Defendant or any of its agents inform Plaintiff or the members of the Section 632.7 Class that the recording of their telephonic communications was taking place and at no time did Plaintiff or the members of the Section 632.7 Class consent to this activity.

51. Defendant has therefore violated Cal. Penal Code § 632.7(a) by intentionally recording Plaintiff or the members of the Section 632.7 Class's telephonic communications without first notifying them or obtaining their consent.

52. Accordingly, Plaintiff and the members of the Section 632.7 Class have been injured by Defendant's conduct and, pursuant to Cal. Penal Code § 637.2, each seek damages of \$5,000 per violation.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff, individually and on behalf of all others similarly situated, seeks judgment against Got-Junk, as follows:

- a. For an order certifying the putative Classes and naming Plaintiff as the representative of the classes, and Plaintiff's attorneys as Class Counsel to represent the putative Classes;
- b. For an order declaring that the Defendant's conduct violates the statutes referenced herein;
- c. For an order finding in favor of Plaintiff and the putative Classes on all counts asserted herein;
- d. For statutory damages in amounts to be determined by the Court and/or jury;

- e. For prejudgment interest on all amounts awarded;
- f. For injunctive relief as pleaded or as the Court may deem proper; and
- g. For an order awarding Plaintiff and the putative Classes their reasonable attorneys' fees and expenses and costs of suit.

**JURY TRIAL DEMANDED**

Plaintiff demands a trial by jury on all claims so triable.

Dated: April 18, 2023

**BURSOR & FISHER, P.A.**

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